

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

SAMMY BROWN and BRIAN KEITH HOWELL, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

CITY OF CORINTH and JOHN C. ROSS, in his official capacity as the Municipal Court Judge of the Corinth Municipal Court,

Defendants.

Case No. 1:17CV204-DMB-DAS

Class Action

**JOINT MOTION TO
APPROVE STIPULATED SETTLEMENT AGREEMENT,
RETAIN JURISDICTION TO ENFORCE THE AGREEMENT, AND
DISMISS PURSUANT TO RULE 41(a)(1)(A)(ii)**

COME NOW Plaintiffs and Defendants and jointly move this Court to approve the settlement entered by the Parties; to retain jurisdiction to enforce the settlement agreement for three (3) years; and to dismiss this case, subject to the Court's limited continuing jurisdiction to enforce the settlement, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii). In support of this Joint Motion, the Parties state as follows:

1. Plaintiffs filed a Complaint on December 5, 2017 in the United States District Court for the Northern District of Mississippi, commencing a proposed class action lawsuit entitled, *Brown, et al., v. City of Corinth, et al.*, Civil Action No. 1:17-cv-00204 (the "Lawsuit") against Defendants, which seeks declaratory and injunctive relief, and alleges violations of Plaintiffs' rights to due process and equal protection of the law under the Fourth, Fourteenth and Sixth Amendments to the U.S. Constitution as a result of Defendants' policies, practices, and

customs. Defendants expressly deny any liability, fault, wrongdoing, or responsibility for any of the claims in the Lawsuit.

2. To avoid the expense and burden of protracted litigation, the Parties have reached a full and final settlement of Plaintiffs' declaratory, injunctive, and damages claims against Defendant in this case. The Parties have also resolved all claims for attorneys' fees and costs and agreed to bear their own fees and costs.

3. Accordingly, the Parties have entered into a written Stipulated Settlement Agreement ("Agreement"), attached hereto as Exhibit A, that memorializes the terms of their agreement to settle and is incorporated within this Motion. The Parties have also agreed that Defendants shall implement the procedures contained in the Corinth Municipal Court Procedures for Appointment of Counsel, Bail, Fines and Court Costs, and Community Service ("Procedures"), attached hereto as Exhibit B.¹ The Parties agree that the Agreement and Procedures will fully resolve their disputes in this action.

4. Pursuant to the Agreement, the Parties jointly move the Court to retain jurisdiction to enforce the Agreement for three (3) years. Subject to the Court's approval of this request to retain jurisdiction, Plaintiffs also move for dismissal under Fed. R. Civ. P. 41(a)(1)(A)(ii). *SmallBizPros, Inc. v. MacDonald*, 618 F.3d 458, 463–64 (5th Cir. 2010) (per curiam) (explaining court must expressly retain jurisdiction to enforce settlement agreement and will lack jurisdiction to do so if it fails to issue order retaining jurisdiction). If the Court does not agree to continue its jurisdiction to enforce the Agreement, the Parties withdraw their motion to dismiss.

¹ Exhibit B incorporates and includes Forms 1–8.

5. For the Court's convenience, the Parties have attached a proposed order granting this Motion; approving the Stipulated Settlement Agreement; and dismissing this case, except where the Court shall continue its jurisdiction to enforce the Agreement consistent with the terms of the attached Agreement.

Dated April 10, 2018.

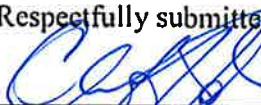
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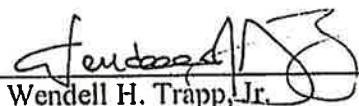
Respectfully submitted,


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CERTIFICATE OF SERVICE

I hereby certify that this document was filed via the court's ECF system on April 25, 2018, and that all counsel thereby were provided electronic copies thereof.



J. Cliff Johnson, II